

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PHILLIP DIPINTO,

Plaintiff,

-against-

WESTCHESTER COUNTY,

ORDER

No. 18-CV-00793 (PMH)

Defendant.

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PHILIP M. HALPERN, United States District Judge:

Counsel for all parties appeared today by telephone for a pre-motion conference. Newly appearing counsel for plaintiff advised that Zachary Tortora is no longer an attorney on this matter. The Court directed that by 12/7/2021, Plaintiff's counsel shall confer with Mr. Smith concerning the appearances of record in this matter, determine which attorneys are properly listed as counsel for plaintiff herein, and file via ECF: (1) a letter confirming that conference was held with Mr. Smith, and (2) a motion to relieve Zachary Tortora, and any other attorneys as necessary, as counsel of record herein pursuant to Local Civil Rule 1.4.

With respect to defendant's anticipated motion for summary judgment, by close of business today, defendant shall send to plaintiff's newly appearing counsel the 56.1 Statement in Word format (Doc. 104-1). By 12/14/2021, plaintiff shall file via ECF: (1) opposition to the pre-motion letter (Doc. 104), and (2) a revised 56.1 Statement in compliance with the Court's Individual Practices Rule 4.E.iv. that requires the opposing party's responses to be set out directly beneath each entry in the movant's 56.1 Statement thereby producing a single document.

With respect to defendant's request to remove Jeffrey Bryant from the caption of the action (Doc. 105), in light of the Court's 10/19/2020 Memorandum Opinion and Order (Doc. 86) and the withdrawal of plaintiff's state law claims, memorialized by Court Order (Doc. 103), there being

no opposition to this request, Jeffrey Bryant should be terminated as a defendant herein, and removed from the caption of this action. Accordingly, the Clerk of the Court is respectfully requested to terminate Jeffrey Bryant as a defendant individually and in his official capacity.

SO ORDERED.

Dated: White Plains, New York
November 30, 2021


Philip M. Halpern
United States District Judge